IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.No.1832 of 2007

DATE OF DECISION: APRIL 4, 2007

Gurdial Singh

...PETITIONER

VERSUS

State Bank of Patiala and others

...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. R.S.Malhotra, Advocate,
for the petitioner.

...

The petitioner, who is the judgment debtor, has filed this petition under Article 227 of the Constitution of India for setting aside the order dated 24.2.2007 whereby his objection to the execution of the decree passed in favour of the respondent-bank has been dismissed, while observing as under:-

> "So far as the objections filed by the JD/Objector are concerned, same seems to be just filed to delay the execution proceedings, so that the decree holder may not be able to get fruits of the decree dated 26.9.2003. The contention of the objector/JD No.1 is mala fide one, so that he may be able to utilize the amount which he received from the decree holder bank by way of loan by hypothecating his share in the joint land. The objector has himself admitted that he mortgaged land measuring 40 kanals out of 530 kanals 3 marla, it become immaterial if land is partitioned or not. A co-sharer who is having right in the joint land can pledge his share in the joint suit property and since the objector has mortgaged 40 kanals in favour of decree holder bank, decree holder bank is fully entitled to recover back the loan amount by selling the

mortgage property in terms of the judgment and decree dated 26.9.2003.

6. The objector by filing this instant suit has caused obstruction in the execution of judgment and decree which is legal right of the decree holder/plaintiff and moreover, if any criminal case is pending against the objector that can not said to be good ground to stall the present execution proceedings."

After hearing the counsel for the petitioner, I do not find any ground to interfere in this revision and to set aside the impugned order.

Dismissed.

April 4, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE